




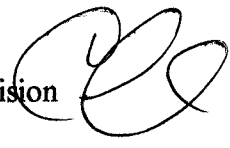
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 30 2005

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**MEMORANDUM**

**SUBJECT:** Clarification of Enforcement Policy for Toxic Release Inventory Reporting  
Violations Where an Ineligible Form A was Submitted

**FROM:**  Ann Pontius, Director  
Toxics and Pesticides Enforcement Division 

**TO:** Regional Counsels  
Regional TRI Division Directors  
Regional TRI Branch Chiefs  
Regional TRI Enforcement Coordinators

On September 6, 1996, in conjunction with the Alternate Threshold Rule, we issued an amendment to our Enforcement Policy for EPCRA Section 313 that stated that a failure to submit a Form A was to be treated as a failure to report at Circumstance Level 1 and that submission of a Form A which turned out to be ineligible for the exemption was to be treated as a Circumstance Level 3.

On April 17, 2001, we issued an amendment to our Enforcement Policy for EPCRA Section 313 to cover data quality errors. In that amendment in footnote 1, we stated that failures to report were still to be handled under the existing policy, including Filing a Form A in lieu of a Form R. The footnote was and is intended to draw a distinction between how we treat data quality violations and failure to report violations. The footnote means that Form A/Form R issues are to be handled under the existing policy, including the September 6, 1996, amendment. It does not mean that the existing policy was changed.

At all times since September 6, 1996, our policy has been that the submission of a Form A which was ineligible for that exemption will be treated as a Level 3 violation.

Should you have any questions, please contact Rebecca Woods of my staff at 202-564-4179.

**cc:** Director, TRI Program Division, Office of Environmental Information

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